

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

No. CR 08-2827 MCA

**ROBERTA VIGIL,**

Defendant.

**ORDER**

**THIS MATTER** comes before the Court on the Defendant's *Unopposed Motion for Sentence of 12 Months and 1 Day* [Doc. 21] filed on April 28, 2008. Being fully advised in the premises, the Court finds that Defendant's motion was not filed until after the conclusion of the sentencing hearing, and the relief requested therein does not involve "arithmetical, technical, or other clear error" under Fed. R. Crim. P. 35(a) because the Court intended to sentence the Defendant to only 12 months for the reasons stated on the record at the sentencing hearing. Rule 35(a) "does not provide a basis for a court to simply reconsider its sentencing decision," and thus "a sentencing court may not alter a sentence for substantive reasons after it has been verbally imposed." United States v. Mendoza, 543 F.3d 1186, 1196 (10th Cir. 2008).

**IT IS THEREFORE ORDERED** that Defendant's *Unopposed Motion for Sentence of 12 Months and 1 Day* [Doc. 21] is **DENIED**.

**SO ORDERED** in Albuquerque, New Mexico, this 4th day of May, 2008.

A handwritten signature in black ink, appearing to read "M. Christina Armiño", is written over a horizontal line.

**M. CHRISTINA ARMIJO**  
**UNITED STATES DISTRICT JUDGE**